

MINUTES OF THE
JOINT HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE
Thursday, January 24, 2008
Room W125, West Office Building, State Capitol Complex

Members Present: Sen. Allen Christensen, Co-Chair
Rep. Merlynn Newbold, Co-Chair
Sen. Chris Buttars
Sen. Peter Knudson
Sen. Ross Romero
Rep. David Litvack
Rep. Roz McGee
Rep. Paul Neuenschwander
Rep. Paul Ray
Rep. Richard Greenwood

Member Absent: Rep. Steve Urquhart

Staff Present: Debbie Headden, Fiscal Analyst
Russell Frandsen, Fiscal Analyst
Joan Tiffany, Secretary

Public Speakers Present: Rep. Rhonda Menlove
Lisa-Michele Church, Executive Director, Human Services
Mark Payne, Substance Abuse and Mental Health
Brent Kelsey, Assistant Director of Substance Abuse and Mental Health
Dr. George Kelner, Director, Division of Services for People with Disabilities
Sen. Greg Bell
Rep. Wayne Harper
Nate Checketts, Bureau Director, Utah Department of Health (CHIP)
Bill Cox, Commissioner, Utah Association of Counties, Rich County
Rob Johnson, Financial Manager, Bear River Mental Health
John Harbert, State Director, REM Utah
Margaret Peterson, Exec. Director, Youth Providers Association
Richard Dimick, Youth Services
Jennifer Purrington, Supported Employment Services Completer
Donna King, Worker SE

A list of visitors and a copy of handouts are filed with the committee minutes.

The meeting was called to order by Co-Chair Christensen at 2:15 p.m.

1. HB 38, Education and Outreach Regarding Harmful Substances During Pregnancy—Rep. Rhonda Menlove said the goal of this bill is to provide increased education to women who are either pregnant or who may become pregnant regarding the harmful effects of both illegal and prescription drugs, tobacco, and alcohol on themselves and their unborn fetus. H.B.38 addresses these problems by asking for additional funding to work with other pregnancy programs and programs throughout the state to provide education. There is a fiscal note including an initial one-time request of \$40,000 and then a request for \$31,200 to continue. Analyst Debbie Headden will make sure that this bill is put on the list for prioritization.

Brent Kelsey, Assistant Director of the Division of Substance Abuse and Mental Health, said his division has worked closely with Rep. Menlove on the bill and are very supportive. Last year 408 women were admitted into the treatment program who were pregnant.

Rep. Neuenschwander expressed skepticism about getting more information out on the effects of alcohol and tobacco than people already see. Rep. Menlove and Mr. Kelsey addressed this. Rep. Menlove said there is a lot of excellent information available, but it isn't targeted in this area. They know that young single moms are most at risk for meth use. They are also seeing problems now that have not been a problem in the past. Mr. Kelsey stated that if the money comes through, the next step is to make sure that what they are doing isn't duplicating existing information. They will work with other programs to make sure that the information that is prepared fills the gaps that currently exist. Rep. Menlove said they want to get the immunity from prosecution message out first thing. Mr. Kelsey addressed this.

2. H.B. 45, Supported Employment Services to a Person with a Disability—Rep. Menlove said this was a successful two-year pilot program for people who are on the disability waiting list and who can become employed. This request is for ongoing funding for this program to continue. Dr. George Kelner, Director of the Division of Services for People with Disabilities, said about three years ago they were challenged to look at creative ways to reduce the waiting list and distributed a fact sheet. He expressed support for H.B. 45 that has a fiscal note of \$200,000.

Jennifer Purrington was recognized as a successful participant in the Supported Employment Services program. Ms. Purrington said she likes her work and appreciates the program.

3. Family Preservation Pilot—Rep. Menlove said the Family Preservation Program is working in Utah and Salt Lake Counties, and they are asking for another year of funding for this two-year pilot. The majority of the more than 50 families that have received support are those who have children with autism.

4. Approval of the Minutes

MOTION: Rep. McGee moved to accept minutes of the January 16, 2008, meetings, both morning and afternoon.

The motion passed unanimously with Sen. Romero and Rep. Urquhart absent for the vote.

5. Disabilities After School Program—Sen. Bell said the Division is trying to ameliorate the difficulties and trying circumstances of those on the Disabilities Waiting List. One of the problems was that the rating of severity sometimes absorbed the funds at the front end and left little for those further down on the list. He is requesting one-time funding of \$150,000 to establish connections in the community to provide training to some organizations that will provide social structure that will help organizations perform services for persons with disabilities. Once the training and infrastructure is set up, the funding would no longer be needed.

Dr. Kelner said a big stressor for families with a disabled person is the time after school and during the summer when that person is unsupervised. They received an overwhelming positive response from agencies and programs. The request is to help these agencies to develop the skills, to find the right staff, to create the right kind of programming to better serve the disabled kids in their own community.

Sen. Christensen asked for the names of agencies and programs who would receive the funding and education and what types of training they would receive. Dr. Kelner said the Boys and Girls Clubs all over the Salt Lake Valley are interested as are the Kiwanis Felt Boys Club, faith-based organizations such as the Jewish Community Center, Salt Lake County Recreation that offers programs across the Valley, and an organization in Logan. The goal is to mainstream the disabled children into programs.

Sen. Bell said it is not just identifying and qualifying programs, it is training the staff to do outreach with people with disabilities to help identify and understand the programs. Sen. Christensen expressed concerns for the wide spectrum of disabilities. It will help care givers with some respite that is sorely needed and also help the disabled person to have positive and meaningful experiences. Sen. Christensen said he didn't want it to turn into another

entitlement program. Dr. Kelner said they see it as a partnership between the public and private sector. Rep. Newbold asked about a discrimination problem with the system and this was addressed. Sen. Buttars stated his support for this funding.

Analyst Headden distributed a sheet that showed the agency's priority list and the Analyst's recommendation with the difference between them as per Rep. Neuenschwander's request.

6. Disabilities Additional Waiver Services

Ms. Headden explained Issue Brief 09-12 DSPD Mandated Services. The Analyst recommends that the Subcommittee place \$800,000 from the General Fund on the priority list for FY 2009 for the Division of Services for People with Disabilities to provide 526 additional waiver services for 358 individuals. The Analyst further recommends that the following intent language be adopted for FY 2009:

Under Section 62A-5-102 (7) of the Utah Code the Legislature intends that any remaining amount of the \$195,502,500 provided by Item 113 on Senate Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session) for the Department of Human Services, the Division of Services for People with Disabilities (DSPD), and funding allocated in this item not lapse at the close of the fiscal year 2009 to provide services for individuals with disabilities needing emergency services, additional waiver services, who turn 18 years old and leave state custody from the Divisions of Child and Family Services and Juvenile Justice Services, or who are court ordered into DSPD services.

Lisa Michele Church presented the brief overall to cover all of the disabilities funding requests. At some point, they want to care for those in the system who are in the middle of the spectrum in health care (about 950 people). George Kelner corrected a figure on the Issue Brief Intensive Care for Intensive 24-hour Living Support in the Amt. of \$1,724.54. This amount. was for one individual Behavior Consultation instead. He reviewed the responsibilities of the department and explained some of the areas where the \$800,000 appropriation would be spent. Sens Christensen, Buttars and Rep. Litvack asked questions about people on the waiting list for respite care. Ms. Church and Mr. Kelner addressed these items.

7. Family Preservation Pilot

Analyst Headden discussed Issue Brief 09-13 Disability Family Preservation Pilot. The Analyst recommends that the Subcommittee place this request of \$150,000 one-time General Fund on a priority list for year two of the Family Pilot Program.

Handout was passed out and explained by Mr. Kelner. Rep. Menlove sponsored this bill last year and they need the one-time monies for support in training for family members dealing with those with disabilities. They support the Analyst's recommendation.

8. Disabilities Waiting List

Issue Brief 09-14 Disabilities Waiting List was explained by Ms. Headden. To receive services, people must have substantial functional limitations in three or more of the following activities: self care, receptive and expressive language, learning mobility, self direction, capacity for independent living, and economic self-sufficiency. The Analyst recommends the Subcommittee place \$1,100,000 from the General Fund for FY 2009 on a priority list. The Analyst also recommends that the Division of Services for People with Disabilities be authorized 6 additional FTE. This will address the needs of about 260 individuals which represent about 15 percent of the waiting list.

Mr. Kelner disagreed with the recommendation of the Analyst about the amount of the funding request. He explained the excessive amount of people with disabilities on the waiting list and their needs. The request is for

\$2.2 million dollars. Rep. McGee asked about the budget that the Analyst had to work with and if money was allocated from Executive Appropriations. Ms. Headden explained the revenues and funding caps and how they arrive at their budget costs. Sens. Romero and Christensen questioned whether the Governor's Budget was taken into consideration when the Analyst worked the budget. Rep. Newbold and Sen. Christensen asked about the additional pilot programs and Mr. Kelner explained this. Ms. Church also addressed this issue and wanted clarification about the budget. Sen. Buttars voiced his support and his concerns concerning this. Mr. Kelner addressed his concerns pertaining to the providers in the program and Rep. Litvack supported this concern.

9. H.B. 36 Child Welfare Amendments

Rep. Wayne Harper discussed this bill and his support for it. The funding would be used to allow kinship placements while background checks are being completed to assist children who are removed from their homes. The fiscal note for \$147,400 is the amount requested. Sen. Buttars expressed his support for this bill.

10. Mental Health Therapist Grant

This program was created by Legislation in 1994 establishing a grant and scholarship program for mental health therapists (UCA 62A-13). The Division of Substance Abuse and Mental Health (DSAMH) administers the program including establishing application procedures, eligibility and selection criteria, awarding the grants or scholarships, and designating the underserved area. It is the recommendation of the Analyst that the funding for this program of \$28,000 in General Fund be transferred from the Division of Substance Abuse and Mental Health and appropriated to the Mental Health Therapist Grants and Scholarships as a separate line item in the Department of Human Services to comply with statute. (For information only)

Mark Payne commented on this program and stated that this program has been used in all areas of the state.

11. Youth Substance Abuse Treatment Services

Debbie Headden explained the Issue Brief 09-10 Youth Substance Abuse Treatment Services. The Division of Substance Abuse and Mental Health (DSAMH) requests funding of \$706,200 in General Fund to develop a Youth Substance Abuse Treatment Initiative. Although this initiative seems worthy, without significant outcome measures to support this request, the Analyst does not recommend funding at this time. It is the recommendation of the Analyst that the Division of Substance Abuse and Mental Health evaluate all of the programs within the division and reallocate resources as needed for this initiative and request funding in future years once the program has proven outcome measures.

An annual report for the Treatment Outcome Measure Report 2007 was distributed. Mr. Kelsey discussed the funding they had received and the accounting for it. Mr. Kelsey expressed the departments request for expanded facilities for drug and alcohol abuse services because of a growing substance abuse population. He gave examples of these needs and a handout of a six year study to support this request. The funding request is for \$706,200 to expand services for family services and he gave statistics supporting this. Sen. Christensen and Rep. Litvack asked questions about numbers affected by this funding.

12. Tobacco Settlement Account

Ms Headden discussed Issue Brief 09-08 Tobacco Settlement Account (for information only). The Tobacco Settlement Restricted Account was created as a result of a settlement agreement between states and tobacco companies (UCA 63-97-201). The settlement agreement requires tobacco companies to make

annual payments to states. The Tobacco Settlement General Fund Restricted Account payments have been declining as companies continue to withhold their Non-participating Manufacturers (NPM) adjustments and place them in a disputed payment account. Utah's allocation is 0.4448869 or \$836 million. She explained the Options for Consideration:

1. If a shortfall does occur, the Legislature can address the issue in the 2009 General Session with a supplemental appropriation.
 2. The Legislature may wish to replace the Tobacco Settlement Restricted Account funding with General Funds for all or part of the allocations in Section 63-97-2 of the Utah Code. This would require a change in statute; or
 3. By default, reduce the funding of one or more programs with Tobacco Settlement Restricted funds if there is a shortfall.
- It is the recommendation of the Analyst that the Legislature wait until the 2009 General Session to address any shortfalls in the Tobacco Settlement General Fund Restricted Account.

Sen. Christensen asked questions concerning the above options and Nate Checketts, CHIP Director addressed this. Reps. Litvack and Neuenschwander asked about the funding priority allocations this was answered.

13. Drug Courts Funding

Ms. Headden explained Issue Brief 09-09 Issue Brief-Drug Court. The Drug Courts and the Administrative Offices of the Courts request an additional \$1,300,000 (\$1,131,000 Drug Court and \$169,000 Administrative Offices of the Courts) from General Fund in FY 2009 for substance abuse treatment services for 378 individuals. This funding request is comprised of two components: a conversion of one-time funding of \$1,000,000 from FY 2008 to ongoing to continue serving 291 individuals; and \$300,000 for projected growth of 87 additional substance abuse offenders. The Analyst recommends the Subcommittee place \$1,000,000 in General Fund (\$870,000 for the Department of Human Services for treatment services and \$130,000 for the Administrative Office of the Courts for court administration) for FY 2009 to continue services for 291 individuals.

Rep. Neuenschwander had questions on the number of drug courts and the cost of foster care in these cases. Brent Kelsey addressed this with a handout. He explained how the appropriations of the one time money is being spent and how it will be spent. He read an email of a success story from the drug courts. He voiced his support for this funding and asked that the funding not be scaled back. Rep. Greenwood commented on his recommendation for this program. Ms. Church asked that this get priority funding because of the program's success. Two statutory reports for the Division of Substance Abuse and Mental Health and Required statutory report for Drug Courts was not discussed but references were made to them for review.

14. Utah Association Of Counties

Commissioner Bill Cox and Rob Johnson spoke in support of the drug courts. Sen. Christensen asked about relapses in the program and Mr. Cox answered this. He asked for funding for the professional personnel so that they can meet the needs.

15. Provider Contract Study

Ms. Headden refers to handout showing two types of providers in the state-local and private contract providers. The private providers stated that the COLA (Cost of Living Adjustment) was not adequate to meet the cost of living rates. A study was conducted to determine the rates. The recommendation was that the method of calculation of COLAS remain the same.

John Harbert passed out a handout to support the need for more funding for these providers. Utah Association of Community Services is in dire need for more employees but the starting wage is \$7.88 per hour. The turnover rate of employees is 81%. Overtime costs have increased 300% per agency according to the survey. The agencies are severely underfunded and explained the need for more funding. He addressed the critical issues of lack of expenses and staffing. He disagrees with the survey findings on insurance costs and gave some examples.

16. Youth Providers Association

Margaret Petersen stated her appreciated the survey and gave statistics concerning the providers. The providers were grouped together and therefore not accurate and examples were given. Costs have risen and therefore the rate study needs work and the COLA is not adequate. Rich Dimick spoke in support for an employee increase and stated that his agency's turnover rate was 110% last year. Rep. Newbold and Sen. Christensen spoke in support of the information given. Rep. Neuenschwander asked about the percentage of 69% the youth counselors received whereas other departments get 80% from the COLA. Sen. Christensen discussed the COLA raises.

MOTION:

Rep. Ray moved to adjourn the meeting.

The motion passed unanimously with Rep. Urquhart absent.

The meeting was adjourned at 4:45 pm.

Minutes prepared by Joan Tiffany, Secretary

Sen. Allen Christensen, Co-Chair

Rep. Merlynn T. Newbold, Co-Chair

